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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,605	02/11/2004	Curtis H. Bruner	CSS-3C	4628
21833	7590	10/08/2004	EXAMINER	
PRITZKAU PATENT GROUP, LLC			CHANG, YEAN HSI	
993 GAPTER ROAD			ART UNIT	
BOULDER, CO 80303			PAPER NUMBER	
			2835	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,605

Applicant(s)

BRUNER ET AL.

Examiner

Yean-Hsi Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 13, 15, 16, 18-20, 22-25, 27, 30-32, 34-37, 39 and 41-66 is/are rejected.
- 7) ☒ Claim(s) 11, 14, 17, 21, 26, 28, 29, 33, 38 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/11/04 & 5/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-66 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6-8, 14-15, 30-36, 73, 76-78, and 100-106 of copending Application No. 2003/0179544 A1. Although the conflicting claims are not identical, they are not patentably distinct from each other because all claimed subject matters are covered by claims 1, 6-8, 14-15, 30-36, 73, 76-78, and 100-106 of copending Application No. 2003/0179544 A1 with different arrangement and different order.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 9-10, 12-13 and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Beck et al (US 5,030,260).

Beck teaches a digital storage arrangement (fig. 1) comprising: a housing (fig. 1) including a cover portion (11, fig. 1) for engaging a base portion (12, fig. 1) to define a housing interior, a latching arrangement (21+, fig. 1) forming part of the cover portion and part of the base portion for attaching the cover portion to the base portion (see col. 5, lines 15-16), digital storage means (10, fig. 1) located within said housing interior, and a sealing arrangement (22, fig. 1) positionable between said cover portion and said base portion including a sealing configuration (22, fig. 1) for sealing said housing interior (see col. 5, lines 15-17) (claims 9, 12 and 15-16); wherein said latching arrangement includes a plurality of latching arms (21, fig. 1) as part of the cover portion, which latching arms are movable at least from an unlatched position to a latched position, and the base portion includes a plurality of latching recesses (not labeled) such that the latching arms in said unlatched position are alignable with the latching recesses upon placing the cover portion on the base portion and said latching arms are then movable to the latched position to attach the cover portion onto the base portion (claims 10 and

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13); and a flexible electrical interface arrangement (20, fig. 1) between the digital storage means and the digital storage arrangement for providing electrical communication therebetween (see col. 5, lines 13-15) (claim 15).

5. Claims 18-20, 22-25, 27, 30-32, 34-37, 39 and 61-66 are rejected under 35 U.S.C. 102(b) as being anticipated by Berberich et al. (US 5,760,998).

Berberich teaches a digital storage arrangement (fig. 2) comprising: a housing (fig. 2) including a cover portion (14, fig. 2) for engaging a base portion (12, fig. 2) to define a housing interior (fig. 2), digital storage means (34, fig. 2) located within said housing interior, and a resilient arrangement (40, fig. 2) which is integrally formed, for sealing said cover portion to said base portion with said digital storage means in said housing interior and for resiliently biasing attached ones of the cover portion and base portion away from one another (shown in fig. 2; and see col. 6, lines 34-36) (claims 18 and 61); wherein said resilient arrangement includes a gasket portion (44, fig. 3) for sealing the cover portion to the base portion and a biasing portion (also 44, fig. 3) for resiliently biasing the cover portion away from the base portion when attached thereto and wherein said gasket portion is fixedly positioned in the cover portion and the gasket portion is configured for sealingly engaging the base portion (element 44 does both functions) (claims 19-20 and 62); wherein said biasing portion includes a plurality of biasing pedestals (44, fig. 3 and 54, fig. 6) which contact one of the base portion and the cover portion to resiliently bias the base and cover portions away from one another in a controlled way (claim 22); wherein said cover portion includes a first major side

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(partly shown in fig. 3) and said gasket portion is attached at least partially to an inner surface of said first major side (next to 46', fig. 3) (claim 23); wherein said cover portion includes a peripheral sidewall (partly shown in fig. 3) extending transversely from said first major side (shown in fig. 3) and said gasket portion is attached at least partially to an inner area of said peripheral sidewall (shown in fig. 3) (claims 24 and 63); wherein said cover portion includes a first panel (fig. 2) defining a first major area and having a periphery (shown in fig. 2) and further includes a sidewall extending transversely from said periphery in a way which cooperates with the first panel to define a peripheral corner region (fig. 2) and said gasket portion is fixedly disposed, at least in part, in said peripheral corner region (fig. 2) (claim 25); wherein said base portion includes a peripheral sealing rim (shown in fig. 3) that is configured to engage the gasket portion to seal the digital storage means within said housing (claim 27); and a method in producing a digital storage arrangement as stated above being disclosed in the specification (claims 30-32, 34-37, 39 and 64-66).

6. Claims 49-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Berberich et al.

Berberich teaches a digital storage arrangement (fig. 2) comprising: digital storage means (34, fig. 2), a base arrangement (12, fig. 2) supporting said digital storage means, a cover arrangement (14, fig. 2) attached to the base arrangement for housing the digital storage arrangement within a cavity (fig. 1) that is cooperatively defined by attached ones of the base arrangement and the cover arrangement in a way

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which permits movement of the base arrangement relative to the cover arrangement (since 40 being elastomeric between 12 and 14; see col. 6, lines 34-36) and said cover arrangement is configured for engagement by said host device (partly shown as 110, fig. 13D) such that the base arrangement, and digital storage means supported thereby, are at least partially isolated from said mechanical shock received by the host device by movement of the base arrangement relative to the cover arrangement (claim 49); a resilient arrangement (40, fig. 2) having a damping portion (44, fig. 3) positioned between the base arrangement and the cover arrangement such that a sufficient amount of relative movement between the base arrangement and the cover arrangement compresses the damping portion to isolate the base arrangement and digital storage means supported thereby from the mechanical shock (claim 50); wherein said cover portion includes a peripheral sidewall (better seen in fig. 3) defining a plurality of cover corners (shown in fig. 2) and the base arrangement defines a plurality of base corners (shown in fig. 2) corresponding to said cover corners such that, when the base arrangement is attached to the cover arrangement each base corner is in a spaced-apart relationship with one of the cover corners and said damping portion includes a plurality of corner cushions, one of which is positioned between each spaced-apart base corner and cover corner (fig. 2) (claim 51); wherein said resilient arrangement includes a sealing portion (44 and portions of 46' and 42, fig. 3), integrally formed with the damping portion, for sealing attached ones of the cover arrangement and the base arrangement to one another (claim 52); wherein said resilient arrangement includes an integrally formed biasing portion (44, fig. 3) for providing a biasing force to

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resiliently bias attached ones of the cover arrangement and base arrangement away from one another and for serving as part of said damping portion at least to limit movement of the cover arrangement and base arrangement towards one another in a direction that is generally opposite of said biasing force (claim 53); wherein said resilient arrangement includes at least two latching arms (46", fig. 3) forming part of said cover arrangement for selectively retaining the base arrangement on the cover arrangement in a way which permits said relative movement (claim 54); and a method in producing a digital storage arrangement as stated above being disclosed in the specification (claims 55-60).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8 and 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berberich et al. in view of Beck et al.

Berberich teaches a digital storage arrangement (fig. 2) comprising: a housing (fig. 2) including a cover portion (14, fig. 2) for engaging a base portion (12, fig. 2) to define a housing interior, digital storage means (34, fig. 2) located within said housing interior, and a resilient arrangement (40, fig. 2) positionable between said cover portion

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and said base portion including a sealing configuration (44, fig. 3), for sealing said housing interior (claims 1 and 41); wherein said cover portion and said base portion cooperatively define a plurality of corner regions (shown in fig. 2) (claim 2); wherein said resilient arrangement is attached at least at each of said corner regions (shown in fig. 2) (claim 3); and a method in producing a digital storage arrangement being disclosed in the specification (claims 5-7 and 45).

Berberich fails to teach a recirculation filter for filtering air that is present within said housing interior, and a filter support configuration for supporting the recirculation filter.

Beck teaches a digital storage arrangement (fig. 1) comprising an air recirculation filter (24, fig. 1) within a housing (fig. 1), and a filter support configuration (25, fig. 1) arranged at least approximately in one of a plurality of corner regions (shown in fig. 1) defined by a cover portion (11, fig. 1) and a base portion (12, fig. 1) of the housing and wherein the filter support configuration further defines, at least part, a filter passage for directing air through the recirculation filter (shown in fig. 2) for controlling of the gaseous contaminants (claims 1, 4-5, 8 and 41-48).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Berberich with the filter taught by Beck for controlling of the gaseous contaminants.

Allowable Subject Matter

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9. Claims 11, 14, 17, 21, 26, 28-29, 33, 38 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record, Beck et al (US 5,030,260), Berberich et al. (US 5,760,998), Yoshida et al. (US 5,677,813), Nakata et al. (US 2002/0043608 A1), and Kunikane et al. (US 6,308,961 B1), taken alone or in combination, fails to teach or reasonably suggest a digital storage arrangement comprising: a cover portion of a housing, being formed from a sheet material and latching arms being stamped as an integral portion of the sheet material, and latching recesses being defined on a base portion of the housing as set forth in claims 11, 14, and 17; and a resilient arrangement including a gasket portion being molded into position in the cover portion as set forth in claims 21 and 33, into a peripheral corner region of the cover portion as set forth in claims 26 and 38, or into a plurality of through-holes of the cover portion as set forth in claims 28 and 40. Claim 29 is a dependent claim from claim 28.

Correspondence

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30-16:00.

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If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3431 for regular communications and for After Final communications. There are RightFax numbers and provide the fax sender with an auto-reply fax verifying receipt by the USPTO: Before-Final (703-872-9318) and After-Final (703-872-9319).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Patent Examiner
Art Unit: 2835
October 6, 2004

A handwritten signature in black ink, appearing to read 'Yuan Hsi Chang', with a stylized, cursive script.